

Louis Flores
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1 (929) 279-2292

22 February 2017

Honorable John Koeltl, United States District Judge,
United States District Court - Southern District of New York,
500 Pearl Street,
New York, New York 10007-1312.

Dear Hon. Judge Koeltl :

**Re : Louis Flores v. United States Department of Justice
No. 17-CV-0036 (Koeltl, J.)**

I am *pro se* Plaintiff in the above-captioned case. On 21 February 2017, counsel for Defendant contacted me by e-mail to request an extension of time with which to file the Answer to the Complaint. I was informed that counsel for Defendant would be making their request to Your Honor on 22 February 2017. I replied to counsel for the Defendant that I oppose the request. *See Ex. 1*. Without seeing Defendant's request, I submit this letter in opposition of Defendant's request for an extension of time to file the Answer. The e-mails that serve as exhibits are included without their attachments in order to save paper, copying costs, and postage. The Court will note that some e-mails bore attachments, due to icons that represent attachments at the end of some of the e-mails.

Plaintiff's lawsuit is brought pursuant to the Freedom of Information Act (FOIA), which requires the Government to produce duly requested documents. The information and documents Plaintiff have requested are about the speeches of U.S. Attorney Preet Bharara. Defendant is not in compliance with FOIA. Defendant denied Plaintiff's request for expedited processing. Defendant has acknowledged that records exist, but Defendant will not produce the records unless Plaintiff pays over \$1,000 in fees that are unconscionably too high and intentionally set so as to discourage the release of the records. As alleged in the Complaint, Defendant engages in a deliberate pattern and practise that violates FOIA. Defendant's refusal to release the records, Defendant's refusal to make the records available for free, and Defendant's actions to keep dragging out the production of records demonstrate the Government's disregard of its FOIA obligations and which fail to afford accountability of the Government as FOIA intends, and these bad faith acts are now creeping into how Defendant regards this Court proceeding. Plaintiff respectfully asks that the Court compel Defendant to comply with FOIA and with the deadlines set by the Court.

On the day when Plaintiff filed the Complaint, Plaintiff provided to his contacts at the press office for the U.S. Attorney's Office a courtesy copy of the Complaint by e-mail. *See Ex. 3*. Since Plaintiff has experience litigating against Defendant on matters relating to FOIA, Plaintiff knew that the U.S. Attorney's Office would represent Defendant in this Court

proceeding. Because Plaintiff had to suffer through horrendous acts of misconduct by Defendant in an unrelated FOIA litigation, Plaintiff was aware of how Defendant refuses to comply with its obligations under FOIA and by the deadlines set by the Courts. When Plaintiff provided the courtesy copy of the Complaint to the U.S. Attorney's Office, Plaintiff cautioned that, "... I will be making a filing to record that I provided this courtesy copy of the complaint on the day of its filing. I plan to strongly oppose the anticipated request made by the Defendant for an extension of time to file its Answer." (Ex. 3 at 1). Defendant was in possession of the Complaint as of 3 January 2017. What is more, Defendant has been in possession of the underlying FOIA Request as of 25 April 2016. *See Ex. 4.*

Because Defendant is a highly bureaucratic agency, all Assistant U.S. Attorneys draft filings ahead of deadlines, and these drafts are then circulated for approval to agency or section heads. On matters of FOIA, Assistant U.S. Attorneys take direction from the Executive Office for United States Attorneys (EOUSA). In this Court proceeding, I am sure that U.S. Attorney Bharara may be providing sign-off on drafts. It would violate procedure for counsel for Defendant to not have drafted an Answer ahead of the deadline such that section heads could provide approval before a filing of the Answer could be made. The only motivation possibly at work here is the DOJ's pattern and practise to delay its compliance with FOIA. In prior FOIA litigation, Defendant admitted that the agency believes it can comply with FOIA at its discretion and at late dates, because the DOJ believes that it will never face sanctions or penalties for having violated FOIA. Because the DOJ cannot possibly be making this request without the Assistant U.S. Attorneys perhaps violating the expectation that they would circulate drafts for approval ahead of deadlines, the Court must deny Defendant's request for an extension of time.

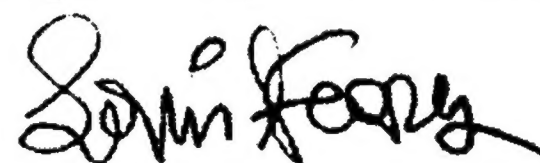
Furthermore, the Complaint filed in this case is only 58 paragraphs long. The issues being raised in the Complaint are not complicated. Plaintiff is due by right all of the requested documents, and Defendant has never invoked any Exemptions. Over two days in late January, the parties exchanged e-mails wherein Plaintiff offered to enter in settlement discussions with counsel for Defendant, provided Defendant would propose reforms to bring the agency into compliance with FOIA that were acceptable to Your Honour and to Plaintiff. *See Ex. 2.* However, counsel for Defendant refused to accept these terms. Defendant has no excuse to not have begun, as of 25 January 2017, to begin work on the Answer. What kind of lawyering is being done by the U.S. Attorney's Office that counsel was unable to draft an Answer to a simple 58 paragraph Complaint? The only conclusion that can be reasonably drawn is that Defendant is unable to manage the litigation it forces the makers of FOIA Requests to commence in order to compel the agency to comply with FOIA. Defendant was similarly unable to manage prior FOIA litigation between the parties, and that same inability to deal with the consequences of circumstances of the DOJ's own making is now causing Defendant to be unable to comply with deadlines set by this Court. The DOJ is not permitted to avoid its FOIA obligations due to internal burdens of its own making. *See, e.g., Rosenfeld v. DOJ*, 2010 WL 3448517, *4 (N.D. Cal. 2010) (holding that the DOJ "cannot use the make-up of its own internal database" as a "shield to avoid FOIA mandates"). Although the need to process an abnormally large volume of requests may constitute "exceptional circumstances," a "predictable agency workload" of FOIA requests does not qualify as an "exceptional circumstance." 5 U.S.C. § 552(a)(6)(C)(ii) ; *see, e.g.,*

Fiduccia v. DOJ, 185 F.3d 1035, 1042 (9th Cir. 1999) (concluding that no exceptional circumstances exist where employee cutbacks and budget reductions led to a "slight upward creep in the caseload" and backlog of FOIA requests at the DOJ) ; *see also Donham v. DOE*, 192 F. Supp. 2d 877, 882-83 (S.D. Ill. 2002) (concluding that high volume of requests and inadequate resources do not constitute "exceptional circumstances" unless such circumstances are "not predictable"). Here, the DOJ has provided no evidence of "exceptional circumstances" that would justify its failure to file the Answer that must be drafted. Because work on FOIA must get approval by agency or section heads, counsel for Defendant must have produced a draft of an Answer that is just waiting final approval. The Court should not enable the agency to use circumstances of its own making from complying with the deadlines set by this Court.

Defendant denied expedited processing for the underlying FOIA Request. Defendant deliberately did not produce records in response to the FOIA Request. Defendant never answered the FOIA Appeal. Defendant declined to enter into settlement negotiations to settle this FOIA Lawsuit. Now, Defendant seeks another three weeks from the deadline to file an Answer. These are acts of bad faith. All this does is create delays that go to the pattern and practise of the DOJ's refusal to comply with FOIA. Defendant's request for an extension of time would only further delay the release of the requested records. This case had to be filed because the very problem that necessitated this lawsuit was delays by Defendant. As a consequence of all these delays, Defendant continues to be in flagrant violation of FOIA, situationally offering excuses for each delay or for each refusal to release records. If these delays are allowed to persist, Plaintiff and the public will continue to be deprived of the records being sought, and Plaintiff asserts that the DOJ will continue to violate FOIA with impunity. *See, e.g., Hadas Gold, NYT, Vice, Mother Jones top FOIA suits, Politico* (Dec. 23, 2014), <http://www.politico.com/blogs/media/2014/12/nyt-vice-mother-jones-top-foia-suits-200325.html> (noting that the top defendant in lawsuits filed by the makers of FOIA requesters was the DOJ).

As this Court reviews Defendant's request, Plaintiff moves that this Court make a finding that the DOJ is acting in bad faith and that the agency must disclose the records it has admitted to exist and to provide an index of any records that will not be produced. The DOJ has a poor reputation on FOIA for this Court to accord Defendant's request for an extension of time any consideration without the entry of orders that will begin to compel the agency to comply with FOIA. Any supplemental statements or reasons omitted by Plaintiff due to size restrictions on letters to Chambers can be found in the attachments. *See Exs. 1, 2, 3.*

Respectfully submitted,



Louis Flores

Enclosures (As stated)

cc : Rebecca Tinio, Assistant U.S. Attorney (w/ Encl.)
Andrew Krause, Assistant U.S. Attorney (w/ Encl.)

P.S. plaintiff requests ECF access, so he doesn't have to be burdened by making paper filings. Thank you.

EXHIBIT 1

From: **Louis Flores** louis.flores@progressqueens.com
Subject: **Re: Flores v. United States Department of Justice, 17 Civ. 0036 (JGK) -- NO CONSENT !!!!!**
Date: 21 février 2017 22:22
To: **Krause, Andrew (USANYS) 1** Andrew.Krause@usdoj.gov
Cc: **Tinio, Rebecca (USANYS)** Rebecca.Tinio@usdoj.gov

I will not consent to any extension of time. I will be outside your office protesting one day soon, and I will be making a YouTube video about your request for an extension of time, and I will send out my video to all my followers in a newsletter. I like sending newsletters, bc I have no control over how far and wide my followers forward my newsletters.

It sounds like Ms. Tinio cannot handle this litigation, if she is waiting until the very last minute to get sign-off from the EOUSA to a simple Answer. Shouldn't she know that she would have needed to get sign-off from the EOUSA days and days before a deadline ? Maybe Ms. Tinio needs to be replaced from this case, if she can't follow orders given to her by the EOUSA. If the DOJ cannot handle/juggle all this FOIA litigation, maybe it shouldn't be the agency's pattern and practise to litigate all/most FOIA requests. Being unable to manage the litigation that you create by your pattern and practise of refusing to comply with FOIA is no excuse for seeking an extension of time. I will note this for the Hon. Judge Koeltl in my letter.

I provided a courtesy copy of the Complaint to my contacts in your press office on the day the Complaint was filed. I will attach that e-mail exchange and this e-mail exchange to my letter to the Hon. Judge Koeltl. I made it clear to the Press Office and/or to Ms. Tinio WEEKS AGO in a prior e-mail exchange that I would not consent to any extension. I have experience with how the DOJ litigates FOIA Requests, particularly those filed by pro se litigants. I was right to expect that you would request an extension of time, and it is a poor reflection on Ms. Tinio's part that she couldn't make this request herself, but no extension is required. The U.S. Attorney's Office had a copy of this Complaint from the day it was filed. What did you do with all that time ? Are you going to explain what you and Ms. Tinio did in all that time ? I want an accounting of your time in any extension request you make to the Court. If you don't provide an accounting of your time, I will ask the Hon. Judge Koeltl to ask you for an accounting of your time, which will get entered into the Court records and I will post onto Archive.org, bc this goes to the pattern and practise of misconduct by the agency in refusing to comply with deadlines set by FOIA and by the Courts in matters related to FOIA Requests.

I will unearth the long record of misconduct by the DOJ in my past FOIA litigation as other reasons why the U.S. District Court judge should deny your extension request, because this is all goes to pattern and practise.

Another reason I will oppose your request is because you and Ms. Tinio had no other work to do, but to prepare an Answer. Ms. Tinio turned down my request to settle this FOIA Lawsuit. I was willing to settle this FOIA Lawsuit, provided your office would propose reforms in writing acceptable to me and to the Hon. Judge Koeltl that would bring the agency into compliance with FOIA. Ms. Tinio turned down my offer to enter into settlement discussions. You had nothing else to work on, but to prepare a simple Answer for a 58 paragraph Complaint and to get sign-off from the EOUSA. Again, I must ask, what have you been doing with all this time ?????

I will also ask the Hon. Judge Koeltl that I want an index of all the records you will be producing and not producing, regardless of whether or not the Court grants your request. I want to know just how many records you have that a simple production cannot have been made long ago ? I requested expedited processing, and here you are, taking more actions to keep dragging this out. You owe explanations to the Court about what records exist and what expedited processing means to the DOJ.

I will reiterate for you what I tried to make clear to the press office and/or Ms. Tinio long ago : This FOIA Request is small potatoes. There were four enumerated requests in my FOIA Request. I am not asking for records of any investigation, I am not asking for records that are privileged. What is the controversy here ? This is small potatoes. Unless maybe they it is not ? Which makes me feel intrigued.....

Taking off my reporter hat, I respect the work done by your office. You all do such great work. I make time to report about the good work done by your office and the office in Brooklyn. I will tell you what I have chanted in my prior protests : You all are helping to lead the fight against corruption and restore faith in Government, but what example do you really set when you openly violate FOIA ? When I put my reporter hat back on, I can't do my reporting work, if I don't have information to go by to explain to my readers the thoughts, ideas, interpretations of what is the law, what is the policy, and what are the processes that play out in the subjects about corruption, about which I write most about. The U.S. Attorney now has jurisdiction to investigate and prosecute activists now trying to do the "people's work" that the U.S. Attorney says is required to help reform Government, and I as a reporter don't know what laws, policies, guidelines he has at his disposal to investigate and prosecute activists. I write very complicated articles, and by denying me the records requested in my FOIA Request(s), you are making my job harder to do. Your office is openly violating FOIA for no good reason, except maybe you have a reason to want to keep the public in the dark, which isn't going to fly.

I, as the requester of the records, and the public, to whom the U.S. Attorney answers, **are due by right all the records I requested.** If you can't handle this FOIA Litigation, then just hand over the records. Comply with FOIA if you can't handle/juggle all this FOIA litigation. Give me my records.

-- Louis

On February 21, 2017 at 12:47 PM "Krause, Andrew (USANYS) 1" <Andrew.Krause@usdoj.gov> wrote:

Mr. Flores,

My name is Andrew Krause, and I am an Assistant U.S. Attorney in the Southern District of New York. I am a colleague of AUSA Rebecca Tinio, who has been assigned to represent the defendant in the above-referenced FOIA lawsuit that you filed against the U.S. Department of Justice. I understand that the Government's deadline to answer your complaint is next Monday, February 27, 2017.

Unfortunately, due to a family medical emergency that occurred this morning, Ms. Timio will be out of the office for at least the remainder of this week, and perhaps longer. As a result, she will not be able to prepare the Government's answer to the complaint by next Monday. I intend to submit a letter to Judge Koeltl tomorrow requesting a three-week extension (until March 20, 2017) of the answer deadline. Judge Koeltl's individual rules of practice require me to state in this letter "whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent."

Please advise me as soon as possible whether you will consent to the requested extension in light of Ms. Timio's family emergency. If not, please let me know your reasons for refusing to consent, so that I can include those in the letter. If I do not hear from you by 1:00 p.m. tomorrow, I will file the letter and indicate that I am not aware of your position on the request.

Sincerely,

Andrew F. Krause
Assistant U.S. Attorney
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007
Telephone: (212) 637-2769
Facsimile: (212) 637-2786

EXHIBIT 2

From: **Louis Flores** louis.flores@progressqueens.com
Subject: RE: FOIA Lawsuit : Offer of Settlement Meeting
Date: 25 janvier 2017 14:00
To: Tinio, Rebecca (USANYS) Rebecca.Tinio@usdoj.gov
Bcc: Louis Flores louis.flores@progressqueens.com

Because you did not address the reform at the EOUSA, as I had asked, I am not interested in speaking.

I will start moving forward with the assumption that we will be litigating heavy-duty.

Thank you.

On January 25, 2017 at 11:12 AM "Tinio, Rebecca (USANYS)" <Rebecca.Tinio@usdoj.gov> wrote:

Mr. Flores,

Thank you for your email. I would like to suggest that we start with a phone call, to discuss the FOIA requests, any other issues you would like to raise, and whether further calls or meetings would be helpful. I am available next week, although Monday is busy and I will be out of the office for several hours during the middle of the day on Wednesday. Please let me know what day and time would work best for you.

Best,

Rebecca

From: Louis Flores [mailto:louis.flores@progressqueens.com]
Sent: Tuesday, January 24, 2017 5:49 PM
To: Tinio, Rebecca (USANYS) <RTinio@usa.doj.gov>
Subject: RE: FOIA Lawsuit : Offer of Settlement Meeting

Thank you. I am sorry I misspelled your name. I used a phonetic spelling of your name from your v/m. I had to send the e-mail to the press office to confirm your identity.

I can speak next week, but any discussion we have will not delay the DOJ from having to timely file its Answer with the Court.

I am only interested in speaking before the DOJ must file its Answer on the condition that the DOJ wants to **in good faith** produce the records I am due by right and that the U.S. Attorney proposes a reform so that the makers of FOIA requests do not have to litigate every FOIA request filed with the DOJ.

Because this is probably the first time that the U.S. Attorney has seen how the EOUSA mishandles FOIA requests, it would be great if the U.S. Attorney, who has a reputation for reform, can propose a reform on behalf of the public to address agency-wide the EOUSA's mishandling of FOIA requests.

If we can negotiate along these lines, with an emphasis on : (a) the reform at the EOUSA/DOJ proposed by the U.S. Attorney that is made in a signed writing and that is acceptable to me and to the judge, (b) a public posting of transcripts/recordings (as applicable) of all of the U.S. Attorney's speeches from this moment going forward modeled after that which is used by Federal Reserve officers, (c) a public release of the policies/procedures for (b) that also addresses policies/procedures for costs, (d) the release of the records withheld by the DOJ (subject to verification that these are all the records that exist, which will be subject to a signed certification submitted by the DOJ to the judge and to me), and (e) there will be no cost to me for the release of any records. If you cannot agree in good faith to (a)-(e), then we must litigate. Because I have experience with that looks like, I know exactly what to expect.

The U.S. Attorney inspires the public with his speeches. He attracts more and more social media followers each time he makes very

inspiring speeches, and public opinion of the work done by the prosecutors in his office grows as a function of the opportunities that the public is given to hear/read/read about the speeches made by the U.S. Attorney. There should be no controversy in bringing about a successful negotiation of a settlement to this FOIA lawsuit. But I find it disconcerting that somebody with your practise expertise got assigned to this lawsuit. I want to stress that the records being requested are public documents, and the public is due these documents by right. The only area where you have discretion is to propose a meaningful solution to end the EOUSA/DOJ's practise of making the makers of FOIA requests to file lawsuits in order for the agency to process FOIA requests. Any meaningful reform proposal made by the U.S. Attorney's Office should be viewed as a win by the U.S. Attorney's Office, because the public's faith in the work done by your office will only increase, as will the public's respect for the work done by the U.S. Attorney. The U.S. Attorney advocates for self-policing, and this is an opportunity for the U.S. Attorney to lead by example. I am trying to appeal to your better self.

Lastly, to the extent that the U.S. Attorney uses a stump speech for his speeches, that should not be any consideration in not releasing the speeches. All public figures repeat the same anecdotes from time to time, sometimes very often. What is material is that the public will see the U.S. Attorney bring the agency into compliance with FOIA for his speeches and to propose a reform for the EOUSA/DOJ.

I only hope and pray that you are willing to negotiate in good faith, because I am willing to negotiate on my end with (a)-(e) as a starting framework, but I will only negotiate in good faith. If you agree, I can agree to speak before the deadline for the DOJ to file its Answer, but **I'm not waiving any rights**, particularly if we start negotiations only to fail because the DOJ engages in bad faith acts. The only party here with a record of being shady on FOIA is the DOJ.

I sent a PDF scan courtesy copy of my Complaint to the press office on the day it was filed, so I will not consent to/will strongly oppose any request for an extension of time for the DOJ to file its Answer if I suspect you are being shady. If you follow what the EOUSA tells you to do, it will be very clear to me, because I know what that, and duplicity and insincerity in general, looks like. I hope you do not allow that to happen, because you already know what is the right thing to do. I'm sorry I'm coming across very sternly, but I know what the DOJ can be like, and I will not make naïve mistakes again. I have learned the hard way what naïve mistakes cost me. If you hold back or make excuses for not wanting to propose a reform for the EOUSA/DOJ, I will immediately know you are not being real. Again, I am trying to appeal to your better self.

Depending on how you respond, I may request a first meeting in person at the LGBT Community Center or some other neutral place with easy access to bathrooms. I have a medical condition that causes me to go to the bathroom a lot, particularly if I am under a lot of stress. If I initially sense you are not being real, I will instead request a phone call just to confirm that, so we can just move onto litigating.

Thanks,

-- Louis

On January 24, 2017 at 4:39 PM "Tinio, Rebecca (USANYS)" <Rebecca.Tinio@usdoj.gov> wrote:

Mr. Flores:

Thank you for your email. Please let me know when you would like to speak – I have some availability this week, and more so next week.

Best,

Rebecca

Rebecca S. Tinio

Assistant United States Attorney

United States Attorney's Office

Southern District of New York

86 Chambers Street, 3rd Floor

New York, NY 10007

p: (212) 637-2774

f: (212) 637-2702

From: Louis Flores [<mailto:louis.flores@progressqueens.com>]

Sent: Tuesday, January 24, 2017 3:43 PM

To: Margolin, James (USANYS) <JMargolin@usa.doj.gov>; Biase, Nicholas (USANYS) <NBiase@usa.doj.gov>; Dearden, Dawn (USANYS) <DDearden@usa.doj.gov>

Subject: Re: FOIA Lawsuit : Offer of Settlement Meeting

Hi, --

Somebody named Rebecca Teneal left a v/m message for me, saying she was the AUSA assigned to my FOIA lawsuit. Can you please give me her e-mail address, so I can arrange a time at which we can speak ?

Or else, can you please forward her this e-mail, and she can just reply

Thank you.

-- Louis

On January 24, 2017 at 8:22 AM Louis Flores <louis.flores@progressqueens.com> wrote:

Hi,

Judge Koeltl has signed an order, asking that the Clerk's Office instruct the U.S. Marshals Service to serve my complaint on the DOJ.

One more time, I am going to offer to the U.S. Attorney's Office a chance to settle this FOIA lawsuit before things become tense.

I will be in Manhattan on Wednesday for a meeting at 2:30 p.m. at the LGBT Community Center. My meeting should end by 3 p.m.

I can meet with or Skype with anybody at 3 p.m. or so, if the U.S. Attorney's Office wants to discuss negotiations to settle this FOIA lawsuit.

I plan to submit all these offers of settlement and the occurrences of unrecorded speeches as evidence to the Court about how I have tried to work with the U.S. Attorney's Office without success to bring the U.S. Attorney's Office into compliance with FOIA, and I will allege that my submission serves to document bad faith acts on behalf of the DOJ. And if need be, I will ask the Court for permission to amend my Complaint to add a claim of bad faith on the part of the DOJ, if that's what this comes to.

If this last offer is rejected, then I can only be left to assume that the DOJ plans to litigate my FOIA lawsuit, in which case, I know to expect bad faith acts from the DOJ during the litigation, and I will work based on that assumption from this moment forward.

-- Louis

Louis Flores
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EXHIBIT 3

From: Louis Flores louis.flores@progressqueens.com
Subject: Re: Press/Litigation Inquiry : FOIA complaint filed
Date: 3 janvier 2017 15:47
To: Margolin, James (USANYS) James.Margolin@usdoj.gov, Biase, Nicholas (USANYS) Nicholas.Biase@usdoj.gov, Dearden, Dawn (USANYS) Dawn.Dearden@usdoj.gov

Hi,

I filed my complaint today. I was told by the clerk that it will take between a few days to a few weeks for my complaint to be reviewed/approved by the pro se intake unit. It shouldn't take that long, but I went along with what I was told.

I filed an application to proceed in forma pauperis, and there is no reason not to expect for my application to be approved, given how poor I am. This explains why I have no index number, yet.

Once there is an index number, and once a Magistrate Judge has been assigned, I will be making a filing to record that I provided this courtesy copy of the complaint on the day of its filing. I plan to strongly oppose the anticipated request made by the Defendant for an extension of time to file its Answer.

-- Louis

On December 27, 2016 at 12:52 PM Louis Flores <louis.flores@progressqueens.com> wrote:

Hi,

I am preparing my FOIA complaint for filing before or by next week. I don't want to do this, but I know this is what the DOJ forces all FOIA requesters to do. I hope we can come to some settlement of my FOIA request to avoid unnecessary litigation and ill-will. I am giving you all one last chance(, even though a previous settlement offer I made to the DOJ was rejected).

Someone in the U.S. Attorney's Office will be assigned to defend the DOJ against my FOIA lawsuit. If it is possible, can I negotiate with your FOIA-specialist Assistant U.S. Attorney now, so we can make one last effort to settle my FOIA request ? If not, I will file my complaint before or by next week.

Thank you.

Best regards,

-- Louis

On August 15, 2016 at 10:55 AM Louis Flores <louis.flores@progressqueens.com> wrote:

Dear Mr. Margolin :

I am in receipt of correspondence from the FOIA, further denying elements of my FOIA request, in addition to now stalling the production of records until I pay over \$1,000 in fees, which I find outrageous, objectionable, and unconscionable.

I will file the appeal with the OIP as soon as practicable to follow the administrative procedures of FOIA.

Since I made my initial request to the Press Office for speeches made by the U.S. Attorney, I hereby ask the Press Office, in addition to the U.S. Attorney's Office, to preserve all correspondence and documents regarding this FOIA request in the event that litigation becomes necessary in accordance with 5 U.S.C. § 552(a)(1)(B).

Your office can avoid litigation, if you just simply comply with FOIA, as you are required to do.

Your office already demonstratively began to comply with or acknowledged you were required to comply with or committed yourselves to transparency that underlies FOIA when your office initiated this link on the U.S. Attorney's Web site, posting copies of speeches made by the U.S. Attorney.

LINK <https://www.justice.gov/usao-sdny/speeches>

This page contains speeches made in 2010, and this page has not been updated with speeches since 2014.

I now have a back-up copy of this Web page at <http://archive.is/2hcdG>

Since it can plainly be shown that your office began to comply with FOIA, then abandoned your compliance with FOIA, the gaps in information that are missing from this Web page are material to proving the U.S. Attorney's Office current lack of compliance with FOIA.

I have already offered the U.S. Department of Justice an opportunity to settle this FOIA request, but my settlement offer was rejected. Before I commence any litigation after I file the OIP appeal, please let me know if U.S. Attorney intends to comply with FOIA.

Thank you.

Louis Flores

Publisher

Progress Queens

louis.flores@progressqueens.com

Skype : maslowsneeds

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EXHIBIT 4

From: **Louis Flores** louis.flores@progressqueens.com
Subject: **FOIA Request : Speeches of U.S. Attorney Preet Bharara (EOUSA) // Progress Queens**
Date: 25 avril 2016 06:33
To: **usaeo.foia.requests** usaeo.foia.requests@usdoj.gov
Cc: **James Margolin** james.margolin@usdoj.gov, **Louis Flores** louis.flores@progressqueens.com

25 April 2016

REQUEST UNDER FREEDOM OF INFORMATION ACT
Expedited Processing Requested

Ladies and Gentlemen :

Good morning, I submit the attached request under the Freedom of Information Act, or FOIA, covering **four (4) categories** of documents (A) (1-4) pertaining to the speeches made by U.S. Attorney Preet Bharara.

In this FOIA Request, I ask for expedited processing, and I make a request for a fee waiver. Accordingly, I look for a written determination to be made **within ten (10) days**.

If you have any questions about the requests for these four (4) categories of documents, **please do not hesitate to contact me today**. See 28 eCFR § 16.3(b). See also *Davis v. DHS*, No. 11-CV-0203, 2013, WL 3288418 (E.D.N.Y. June 27, 2013)(Ross, J.) (noting that if an agency has questions about a FOIA Request, the agency should contact the requestor).

Thank you kindly.

Best regards,

-- Louis

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2016-04-25 USAO SDNY
Preet Bhara...equest.pdf

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUIS FLORES,

Plaintiff,

v.

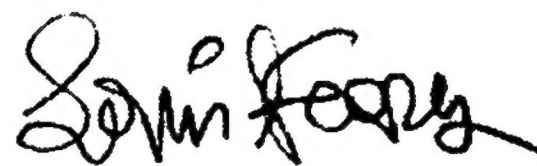
UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

17-CV-0036 (JK)

**AFFIRMATION
OF SERVICE**

I, **LOUIS FLORES**, declare under penalty of perjury that I have served a copy of the attached **PLAINTIFF'S LETTER RESPONSE IN OPPOSITION TO DEFENDANT'S REQUEST FOR AN EXTENSION OF TIME** upon **REBECCA TINIO** and **ANDREW KRAUSE** by **FIRST CLASS U.S. MAIL** to : c/o United States Attorney's Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York 10007, and by **E-MAIL DELIVERY** to : rebecca.tinio@usdoj.gov and andrew.krause@usdoj.gov.



Dated : Jackson Heights, New York
22 February 2017

Louis Flores
34-21 77th Street, Apt. 406
Jackson Heights, New York 11372
Phone : (929) 279-2292
louis.flores@progressqueens.com

TRANSMISSION VERIFICATION REPORT

TIME : 04/02/2011 08:37
NAME :
FAX :
TEL :
SER. # : U62700K3J188800

DATE, TIME	04/02 08:33
FAX NO. /NAME	12128057912
DURATION	00:03:37
PAGE(S)	17
RESULT	OK
MODE	STANDARD ECM

Louis Flores
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22 February 2017

Honorable John Koeltl, United States District Judge,
United States District Court - Southern District of New York,
500 Pearl Street,
New York, New York 10007-1312.

Dear Hon. Judge Koeltl :

**Re : Louis Flores v. United States Department of Justice
No. 17-CV-0036 (Koeltl, J.)**

I am *pro se* Plaintiff in the above-captioned case. On 21 February 2017, counsel for Defendant contacted me by e-mail to request an extension of time with which to file the Answer to the Complaint. I was informed that counsel for Defendant would be making their request to Your Honor on 22 February 2017. I replied to counsel for the Defendant that I oppose the request. *See Ex. 1*. Without seeing Defendant's request, I submit this letter in opposition of Defendant's request for an extension of time to file the Answer. The e-mails that serve as exhibits are included without their attachments in order to save paper, copying costs, and postage. The Court will note that some e-mails bore attachments, due to icons that represent attachments at the end of some of the e-mails.

Plaintiff's lawsuit is brought pursuant to the Freedom of Information Act (FOIA), which requires the Government to produce duly requested documents. The information and documents Plaintiff have requested are about the speeches of U.S. Attorney Preet Bharara. Defendant denied Plaintiff's request for